

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

RAY COOK,

Petitioner,

v.

CIV. ACT. NO. 5:24-CV-197
Judge Bailey

DONALD F. AMES, Superintendent,
Mount Olive Correctional Complex,

Respondent.

ORDER

The above-referenced case is before this Court upon the magistrate judge's recommendation that this matter be dismissed without prejudice.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. ***Thomas v. Arn***, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. ***United States v. Schronce***, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.¹

¹ Pursuant to the R&R, petitioner had fourteen (14) days from the date of service of the Report and Recommendation within which to file with the Clerk of this Court "specific

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's Report and Recommendation [Doc. 16] is **ADOPTED**, the Petition [Doc. 1] is **DENIED** and this matter is **DISMISSED WITHOUT PREJUDICE**.

The Clerk is **DIRECTED TO STRIKE** the above-styled case from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein and to *pro se* petitioner.

DATED: February 11, 2025.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE

written objections identifying those portions of the recommendation to which objection is made and the basis for such objections." See [Doc. 16 at 12 (emphasis in original)].

Service of the R&R was accepted on January 13, 2025. See [Doc. 17]. January 13, 2025, was twenty-nine (29) days ago. Thus, this Court did not just wait the standard fourteen (14) days—this Court waited an additional fifteen (15) days before ruling on the pending R&R.